IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTIETH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 8810 of 2005

Between:

K.B.K. Educational Society, H.No.1-7-630/B/2, Gemini Colony, Ramanagar, Hyderabad, rep. by its Secretary, K. Yadaiah.

..... PETITIONER

AND

1 The Government of A.P., rep. by its Principal Secretary,
School Education (Training A1 Dept),
Secretariat, Hyderabad.
2 The Osmania University, Hyderabad, rep. by its Registrar.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the 2nd respondent in returning the application of the petitioner for grant of affiliation to the college established by the Society to start B.Ed., course on the ground that the petitioner do not have permission from the State Government as highly illegal, arbitrary and consequently direct the respondents to grant affiliation to the college established by the petitioner for the year 2004-2005 as per Section 14 (6) of N.C.T.E.Act without insisting for grant of permission from the State Government.

Counsel for the Petitioner:MR.N.M.KRISHNAIAH

Counsel for the Respondent No.1: GP FOR SCHOOL EDUCATION

Counsel for the Respondent No.2 : Mr.Deepak Battacharjee (SC for Osmania University)

The Court, at the stage of admission, made the following :

ORDER :

This writ petition is filed aggrieved by the action of the second respondent-Osmania University, Hyderabad, in not considering the request of the petitioner for grant of affiliation to the college established by it to start B.Ed., courses on the ground that *Government orders* are not yet issued in favour of the petitioner.

It is not in dispute that the petitioner herein was already granted no-objection certificate by the Government on 31.12.2001 and that it was also granted recognition by the National Council for Teacher Education (for short "NCTE), on 23.02.2005. In the circumstances, the contention of the petitioner is that the second respondent-university is not at all justified in insisting on further *Government orders.*

When the matter is taken up for consideration, learned counsel for both parties represented that the issued raised in this writ petition is squarely covered by the decision of this Court in W.P.No.7878 of 2005 dated 13.04.2005, whereunder having considered an identical question, this Court held that in the absence of any provision under the National Council for Teacher Education Act, or any other statute which provides for permission from the Government to start the college after the institution was granted no-objection certificate by the Government and recognition by the NCTE, the action of the respondent-university therein in returning the applications for grant of affiliation only on the ground of further permission from the Government appears to be unwarranted and cannot be sustained. Accordingly the said writ petition was disposed of with a direction to the respondent-university to consider the application of the petitioners therein afresh for grant of affiliation without insisting for obtaining permission from the Government.

Following the decision in W.P.No. 7878 of 2005, the impugned order issued by the second respondent-University, which was served on the petitioner on 15.04.2005, is set aside and the writ petition is disposed of with a direction to the second-respondent University to consider the application of the petitioner afresh for grant of affiliation to the college established by it for the academic year 2004-05 without insisting for obtaining further permission from the Government to start the college and to pass appropriate orders in accordance with law, as expeditiously as possible,

preferably within a period of one week from the date of receipt of this order. No costs.

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20th April, 2005.

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To

1 The Principal Secretary, Government of A.P., School Education (Training A1 Dept),
Secretariat, Hyderabad.
2 The Registrar, Osmania University, Hyderabad.

3 Two C.Cs to the G.P. for School Education, High Court Buildings, Hyderabad (OUT).

4 2 CD copies

5 1 CC to MR.KRISHNAIAH.(on usual charges)